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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,077	11/25/2003	Jong Seok Kim	0465-1081P	4939
2292 7590 11/20/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER HECKERT, JASON MARK				
ART UNIT		PAPER NUMBER		
1792				
NOTIFICATION DATE		DELIVERY MODE		
11/20/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/720,077

Applicant(s)

KIM ET AL.

Examiner

JASON HECKERT

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/02)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Due to the applicant's amendments to the claims, the previous rejections are rendered moot.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 3.
4. Claims 9-13 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 9, "the tub", "the vertical and horizontal vibrations", and "the front to rear vibrations" lack antecedent basis. In claims 11 and 12, "the tub" and "the cabinet" lacks antecedent basis. In claim 13, "the tub" lacks antecedent basis.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 5-6, 9-10, 13-14 rejected under 35 U.S.C. 102(e) as being anticipated by Myerscough. Myerscough discloses a washing machine comprising a cabinet 5, water tank (claim 5), drum 4, motor 7 provided to rotate the drum 4. A motor shaft is considered inherent. Myerscough further teaches 4 independent spring dampers

comprising front dampers 1, and rear dampers 2. The front dampers are readable on the applicant's first and second dampers. At least one on the rear wall of the tub and under the bottom of the tub (figure 1). The dampers comprise pistons 21 and cylinders 20.

6. Claims 5-6, 9-10 rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. (WO00/55413 now US Patent 6,557,383). Ito discloses a washing machine comprising a cabinet, tub 3, drum 10, and a motor with shaft (figures 1). Ito also discloses a pair of front dampers 4A and a pair of rear dampers 4B. The front dampers read on the applicant's first and second dampers. At least one of the rear dampers reads on the applicant's third damper. The dampers comprise pistons and cylinders.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 7, 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Myerscough OR Ito, and further in view of Ryan. Myerscough and Ito both teach dampers, however the piston is attached to the tub and the cylinder is attached to the cabinet. However, the opposite is known in the art and considered to be an obvious modification as it achieves predictable results. Ryan teaches a piston rod 46 is coupled with a cabinet and a cylinder is coupled with a tub (figure 1). It would have been

obvious at the time of invention to modify Myerscough OR Ito and include the dampers of Ryan in order to attenuate vibration.

9. Claims 8, 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Myerscough OR Ito, in view of Ryan and further in view of Durazzani. None of the above references teach the claimed hinges. Ryan discloses that the cylinder is pivotably attached to the tub and frame (paragraph 3 lines 42-44) either directly or indirectly (col. 3 lines 33-37). Hinges, joints, swivels, etc. are common in the art and are not considered novel. Durazzani et al. discloses hinge assemblies 32 and 34 that support the cylinders 30 thereby increasing dampening ability. It would have been obvious to one skilled in the art at the time of the invention to modify Ryan, who discloses the need for a pivotable attachment, and include a hinge or joint assembly, as taught by Durazzani, to pivotably attach the dampener to the tub and cabinet for increased dampening ability.

10. Claims 13-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Ito in view of Myerscough. Ito does not disclose the damper as being attached to the rear of the tub. Myerscough discloses that the damper is located at the rear of the tub. It would have been obvious at the time of invention to modify Ito, and locate the damper at the rear of the tub, as taught by Myerscough, in order to attenuate vibration.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON HECKERT whose telephone number is (571)272-2702. The examiner can normally be reached on Mon. to Friday, 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/
Supervisory Patent Examiner, Art
Unit 1792

JMH